



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL AND REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Monday, April 13, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 13th day of April, 2015 at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business.

SPECIAL CITY COUNCIL MEETING

Call to order.

Mayor Riley called the Special City Council Meeting to order at 6:01 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmembers Ricardo Ruiz, Carmen Sanchez, Abraham Diaz, Benny Martinez and Paul Biever.

Also in attendance were:

City Manager Manuel Longoria, Jr., City Attorney Clarissa Rodriguez, ACM/Police Chief Randall Wallace, ACM/Human Resources Director Crystal Caldera, City Secretary Saundra Passailaigue, Public Works Director Melinda Moritz, Economic Development Director Claudia Mora, and Project Manager John Krause.

The City Council shall meet in Executive Session under Texas Government Code to discuss the following:

- a) ***§551.071 Consultation with Attorney regarding Development Agreement Non-Compliance items between the City of Leon Valley and Alamo Park Properties, LLC; and***
- b) ***§551.072 Deliberation Regarding the Purchase of Real Property located at 6312 El Verde Road.***

The City Council went into Executive Session at 6:02 p.m.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 7:00 p.m. No action was taken.

Adjournment

A motion was made by Councilman Paul Bieber, seconded by Councilman Benny Martinez, to adjourn the April 13, 2015 Special City Council meeting at 7:03 p.m.. Upon a unanimous vote, Mayor Riley announced the motion carried.

REGULAR CITY COUNCIL MEETING

Call to order, Determine a Quorum is Present.

Mayor Riley called the Regular City Council Meeting to order at 7:03 p.m. Mayor Riley welcomed everyone and introduced City Attorney Clarissa Rodriguez; and then led the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmen Ricardo Ruiz, Carmen Sanchez, Abraham Diaz, Benny Martinez and Paul Bieber.

Also in attendance were:

City Manager Manuel Longoria, Jr., City Attorney Clarissa Rodriguez, ACM/Police Chief Randall Wallace, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, Public Works Director Melinda Moritz, Economic Development Director Claudia Mora, Project Manager John Krause, Finance Director Vickie Wallace, Fire Chief Luis Valdez, and Community Development Planning Manager Elizabeth Carol.

Presentation of a Certificate of Commendation to Eve Forshay as she celebrates her 100th birthday. M&C #2015-04-13-01 (Mayor Riley)

Mayor Riley presented Eva Forshay a Certificate of Commendation; a Leon Valley Fiesta Medal and then everyone sang "happy birthday".

Presentation of Judge Nelson Wolff's Proclamation on the consumption reduction of sugary beverages. M&C #2015-04-13-02 (Mayor Riley)

Mayor Riley presented Judge Nelson Wolff's Proclamation on the consumption of sugary beverages.

Presentation of Earth Day Proclamation. M&C #2015-04-13-03 (Earthwise Living Committee)

Mayor Riley presented an Earth Day Proclamation to Earthwise Living Committee members Belinda Ealy, Mary Key and Rita Burnside.

Committee Report from Tree Advisory Board.

Tree Advisory Board Vice-Chair Thomas Benavides presented a report which included the Tree City USA designation, Earthwise Living Day, Arbor Day, tree adoption, budget requests and the Tree Advisory Board's twelve-month plan.

Tree USA designation and presentation. M&C 2015-04-13-05 (Mark Kroeze, Arbor Day Foundation)

Mark Kroeze, Arbor Day Foundation, presented the City with the Tree City USA flag, medal and street signs indicating that this is the third year the City of Leon Valley has received this award. Mr. Kroeze then presented Mayor Riley with a ball cap which she proudly wore as she presented the proclamation.

Mayor Riley asked if any of the Councilmembers wished to pull Items from the Consent Agenda for discussion.

Councilman Benny Martinez asked that Item 13a and 13b be pulled.

Citizens to Be Heard

- Shirley Jonas – 6523 Sally Agee – Spoke in favor of children playing soccer but asked why citizens of Shadow Mist were not notified. Ms. Jonas also voiced her concerns with parking at the soccer field, and lastly, about a tent that was used at the ground breaking event.
 - Councilmembers Benny Martinez and Carmen Sanchez both asked that these concerns with the soccer field be placed on the next Council agenda for discussion.
- Belinda Ealy – 7314 Canterfield Road – Spoke about sidewalk accessibility for pedestrians and said that this should be a high priority; move the hike & bike money to the Evers Road project.
- Liz Maloy – 7411 Chenal Point – Spoke about her concerns with the light at Evers/Huebner Rd.; also, to remind everyone of the last Home Rule Charter informational meeting up on April 25th.
- Lyn Joseph – 6423 Trotter Lane – Asked for the name of the soccer field; spoke about ADA issues of sidewalks in Canterfield; and about drones flying over Leon Valley taking photos.
 - Public Works Director Melinda Moritz reminded all present that issues with sidewalks can be submitted through the City's website. Ms. Moritz added that four sidewalk repairs have been completed in the last couple of months.
- David Jordan – 5309 Cilantro Place - Passed on speaking at this time.
- Mike Davis – 6002 Forest Oak – Spoke about the Home Rule Charter saying that he is not opposed to the Home Rule Charter but felt it was rushed. "Who is responsible for what?"
- Olen Yarnell - 7230 Sulky Lane – Distributed a letter to Council asking that more information be provided for items 17 and 18 of tonight's agenda, and that staff prepare this information and perhaps delay the process and get the citizens the information.
- Irene Baldrige – 6368 Parsley Hill – Passed on speaking at this time.
- Monica Alcocer – 5985 Aids Drive – Passed on speaking at this time.
- Henry Diecker – 6114 Britania Court – Spoke about accessibility concerns.

City Manager's Report:

- a) Leon Valley Historical Society Lease Agreement Request
- b) Update on the Larry Little Case Town Center Case
- c) Monthly Departmental Reports
- d) Approved Minutes from Boards, Commissions and Committees
- e) Future Agenda Items:
 - 2nd. Public Hearing--LVEDC Authorization to expend up to \$57,000 to Leon Valley Chamber of Commerce, May 05, 2015

City Manager Longoria reported that he received a letter from Mr. Mark Eisenhower who is the President of the Leon Valley Historical Society (LVHS) asking for an early release from the agreement between the LVHS and the City of Leon Valley. The agreement will expire on April 15, 2015 and, therefore, Mr. Longoria wanted to inform the Council that unless they object, he will be releasing them from the agreement. Mr. Longoria asked that if there are objections, he be notified immediately.

City Manager Longoria read aloud a statement from the Leon Valley Economic Development Corporation. There was no discussion.

Mayor Riley asked for bond expenditure report and a list of all the contributions received to date at the next meeting. Mayor Riley also asked to have the bus stop on Bandera Road at the Whataburger be improved. Lastly, Mayor Riley spoke about concerns with brush that was left behind during the recent Spring Cleanup.

CONSENT AGENDA

Consider action approving the Quarterly Investment Report for the quarter ended March 31, 2015 M&C #2015-04-13-05 (V. Wallace)

Consider action approving the updated Alamo Area Emergency Services Mutual Aid Agreement. M&C #2015-04-13-06 (ACM R. Wallace/L. Valdez)

Discussion and possible action on a waiver of Community Center fees as requested for the League of Women Voters Candidate Forum. M&C #2015-04-13-07 (Requested by Councilmembers Benny Martinez and Carmen Sanchez)

A motion was made by Councilman Abraham Diaz, seconded by Councilman Carmen Sanchez, to approve Consent Agenda Items #14 (Quarterly Investment Report), Item #15 (Mutual Aid Agreement), and Item #16 (League of Women Voters Waiver Request) as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Approval of City Council Minutes. (ACM C. Caldera/S. Passailaigue)

- a) February 24, 2015 City Council Sub-Committee on Policy Meeting**
- b) March 09, 2015 Regular City Council Meeting**

Councilman Benny Martinez questioned items on staff direction on Item 13a and on the Uber resolution on Item 13b.

A motion was made by Councilman Paul Biever, seconded by Councilman Benny Martinez, to approve Consent Agenda Items #13a and #13b as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

REGULAR AGENDA

Discussion and consideration of Ordinance No. 15-003 awarding a contract to Clark Construction for the Evers Road Rehabilitation Project. M&C #2015-04-13-08 (ACM R. Wallace/ M. Moritz)

Mayor Riley began the discussion by voicing her opposition to the agenda item wording and the bid process; and then requested an overall discussion of the streets and how we are going to take care of them. Mayor Riley urged her colleagues not to take action on this item until they received input from the council and citizens, explore all the options available with cost analysis. Mayor Riley also wanted to revisit the Slurry Seal Policy.

Public Works Director Melinda Moritz began the presentation of the item by saying that the purpose of the presentation was to request that Council accept a bid and award a contract for the FY 2015 Evers Road Rehabilitation Project to Clark Construction, and authorize the City Manager to sign the contract, with contingency. Public Works Director Moritz continued by saying that the lowest responsive bidder was Clark Construction, with the bid amount of \$430,630.93, and an alternate of \$150,139.44, and they meet all qualifications. The alternate is for the construction of bus pads, to be reimbursed by VIA. The estimate from the engineer was \$800,000, with \$153,920 for the bus pads, so the low bid indicates a savings of \$369,369, with a savings of \$3,780 for the bus pads. The amount for the road portion of the project may increase, depending on the amount of base failure found during construction. After negotiation with City Staff, VIA has agreed to pay for the installation of bus pads along Evers Road, by way of reimbursement. They will be forwarding a funding mechanism shortly. VIA has also agreed to repair the Primo bus line pad on Poss Road and another bus pad on Huebner Road.

Clark Construction has indicated that they would be ready to start the project immediately; however, should the City decide to wait, they would not be available again until the late summer or early fall, as they are due to start a project with TxDOT in the summer. Clark Construction stated that they could complete the project within two months. They have requested to work weekends to eliminate start/stop. They will close two lanes at a time; in order to leave two lanes open for traffic. The begin and end times each day would be at the City's discretion.

An engineering report from Young & Associates, Inc. indicates Evers Road can be satisfactorily repaired by using the Mill & Overlay process, with some road base replacement. This will extend the roadway life by approximately ten years. The work would begin at Forest Dell and end at Huebner Road. The remaining cul-de-sac near Pavona Place is in good condition and will be crack sealed and slurried after the road project.

The Evers Road project was approved by City Council during the budget process, and was presented to the Infrastructure Committee at their September 10 and November 4, 2014, and January 28, 2015 meetings, and this met with their concurrence.

Staff contacted City of San Antonio to inquire about possible co-construction of Evers Road, but was told that their portion of the road was not slated for rehabilitation during their 2014-2019 Infrastructure Management Program.

The Street Capital Improvement Plan indicates several streets in need of reconstruction or mill and overlay, with Evers Road being the top priority, as it moves the greatest number of vehicles and is at risk of complete failure. Other streets identified as needing rehabilitation include: Forest Timber (street reconstruction); Linkview at Linkcrest (street reconstruction); and Huebner Road (portion reconstructed and portion chip sealed). Numerous other streets in various residential areas are in need of a wedge type mill and overlay, to reduce the amount of asphalt at the curb line and that can be done with equipment that the City has. These streets should be ranked first, according to priority, during the coming fiscal year.

The Capital Improvements Plan for the water and sewer system calls for replacement of 5000 feet of water mains and 15,000 feet of sewer mains. These mains will be also ranked according to highest priority and any roads over the top of these mains should not be reconstructed until the mains are replaced.

This presentation was followed by discussion.

A motion was made by Councilman Benny Martinez, seconded by Councilman Carmen Sanchez, to table this item until we have a proper public hearing on this can be conducted and accessibility issues addressed and return to consider the possibility of floating a bond to do Evers Road the proper way and create a bridge over it.

Mayor Riley then asked the citizens who signed up to speak to step forward.

- Lyn Joseph – 6423 Trotter Lane – Spoke in opposition to the approval of this item; legacy.
- David Jordan – 5309 Cilantro Place – Spoke in opposition to the approval of this item; transparency.
- Olen Yarnell - 7230 Sulky Lane – Spoke in opposition to the approval of this item; vacuum.
- Monica Alcocer – 5985 Aids Drive – “Do you listen as well as you hear?”
- Irene Baldrige – 6368 Parsley Hill – Asked that the Council take their time and do things when the majority is comfortable.
- Mike Davis – 6002 Forest Oak – Mentioned that this appears to be regular street maintenance that the Council consider the issue at hand and consider other issues at a later date.

Mayor Riley called for a roll call vote to which the City Council replied: Councilman Ruiz - Nay; Councilman Sanchez – Aye; Councilman Diaz – Nay; Councilman Martinez – Aye; and Councilman Bieber – Nay

The City Council voted two (2) for and three (3) opposed with Councilman Ruiz, Councilman Diaz and Councilman Bieber casting the negative votes. Mayor Riley announced that the motion failed.

A motion was made by Councilman Benny Martinez that any contracts come before City Council before the City Manager signs it. City Attorney Clarissa Rodriguez reminded everyone that the item is to discuss whether or not to approve the ordinance to award the contract to Clark Construction so that is what needs to be voted on. This new motion could be discussed during the item regarding the Purchase Policy. Councilman Martinez withdrew his motion.

A motion was made by Councilman Abraham Diaz, seconded by Councilman Ricardo Ruiz, to award the contract to Clark Construction for the Evers Road Rehabilitation Project.

Mayor Riley called for a roll call vote to which the City Council replied: Councilman Ruiz - Aye; Councilman Sanchez – Nay; Councilman Diaz – Aye; Councilman Martinez – Nay; and Councilman Bieber – Aye

The City Council voted three (3) for and two (2) opposed with Councilman Sanchez, and Councilman Martinez casting the negative votes. Mayor Riley announced that the motion passed.

Discussion and possible action on an explanation of estimated costs for the Hike and Bike Trail. M&C #2015-04-13-09

Mr. Jess Swaim, P.E., Vice President, IDS Engineering Group was present to answer questions regarding the costs for the Hike and Bike Trail.

Mayor Riley then asked the citizens who signed up to speak to step forward.

- John Miranda – 7903 Stebbins – Spoke in favor of the Hike and Bike Trail.
- Patrick Mora – 6307 Pickering Drive – Spoke in favor of the Hike and Bike Trail, thanked the Council for making all of the information available, and commented on the “low cost” to Leon Valley citizens.
- Belinda Ealy – 7314 Canterfield Road – Spoke in opposition of the Hike and Bike Trail and on accessibility issues on Evers Road.
- Thomas Chippie – 6634 Peachtree – Spoke about transparency and “getting it together”.
- Olen Yarnell - 7230 Sulky Lane – Questioned the list of items for the trail.
- Irene Baldrige – 6368 Parsley Hill – Passed on speaking at this time.
- Lyn Joseph – 6423 Trotter Lane – Questioned the SAWS delay.

No action was taken.

Discuss and consider Ordinance No. 15-004 approving a budget adjustment to pay for additional street lights as requested by City Public Service (CPS) Energy. M&C #2015-04-13-10 (ACM R. Wallace/D. Dimaline)

Assistant Public Works Director David Dimaline presented the item to ask Council consideration to transfer funds to the Public Works budget to cover expressway streetlight costs. These expressway streetlights were installed by TxDOT on Bandera Road in the city limits of Leon Valley, as a part of the flyover project. They are maintained by CPS Energy, and are to be paid for by the City of Leon Valley per the terms of an Agreement with TxDOT. CPS installed the lights and Leon Valley was to pay the light bill. A field audit was performed by staff from City of Leon Valley Public Works, TxDOT, and CPS Energy. It was determined that a total of 80 express way lights exist within the Leon Valley city limits; however, the City has only been paying for 13 of these 80 lights. The new billing is scheduled to begin this current fiscal year. Staff recommends the additional 63 lights will cost approximately \$1,540 per month. This additional cost will require a budget adjustment of \$7,700 for the General Fund to cover monthly costs for the remainder of the fiscal year.

A motion was made by Councilman Paul Biever, seconded by Councilman Carmen Sanchez, to approve Ordinance No. 15-004 as presented. The City Council voted four (4) for with Councilman Ricardo Ruiz not being present during the vote. Mayor Riley announced that the motion passed.

First Public Hearing and Reading to receive comment and to consider action on a resolution to approve the proposed expenditure of Leon Valley Economic Development Corporation (LVEDC) funds in a grant amount of up to \$57,000 to the Leon Valley Area Chamber of Commerce. M&C #2015-04-13-11 (C. Mora)

Economic Development Director Claudia Mora presented this item which is intended to conduct the first of two public hearings and readings of the resolution approving expenditure of LVEDC funding, and to receive comment from Leon Valley citizens regarding the grant of up to \$57,000 to the Leon Valley Area Chamber of Commerce (LVACC). Article IV Functional Corporate Duties and Requirements, Section 4.5 Expenditure of Corporate Money, Subsection (c) of the Bylaws of the City of Leon Valley Economic Development Corporation (LVEDC) requires that expenditures approved by the LVEDC Board of Directors for project funding in excess of \$10,000 have at least two separate readings of the approving City Council resolution and two public hearings. At the February 26, 2015 meeting, the LVEDC Board of Directors approved the funding of up to \$57,000 in LVEDC funds to LVACC to establish and furnish an office for the LVACC, and to finish out the office space at 6300 Evers Road. If approved by the City Council, the funding will allow LVACC to finish out leased space and establish a chamber office. The funds will enable the LVACC to purchase office furniture, computer equipment and software, and tables and chairs. Currently, the LVEDC Finance Committee and representatives of the LVACC Board of Directors are negotiating the performance agreement that must be signed in order for the LVEDC to grant funds to the LVACC. Part of the terms of the agreement includes the LVEDC releasing approximately \$30,000.00 immediately in order for the LVACC to finish out the leased space and purchase equipment and furniture. At the end of the first six (6) months, with the LVEDC Finance Committee and staff will conduct an audit and review the operations and revenue of the LVACC. In addition, the LVACC must present a work plan for the next six (6) months. The balance of the funding will be provided on a reimbursement basis based on the expenditures made to establish and maintain the chamber offices for the second part of the year. A second public hearing and reading are scheduled for Tuesday, May 5, 2015. Staff is working with the LVEDC attorney, LVEDC Finance Committee and representatives of the LVACC Board of Directors to finalize a performance agreement, as required by state statute. This item supports the approved Strategic Goals; specifically, Goal 1 - Economic Development, Objective B: Promote Business-Friendly Practices.

Mayor Riley opened the Public Hearing at 10:14 p.m.

Councilman Benny Martinez recused himself from the Council dais. There being no public comment, Mayor Riley closed the Public Hearing at 10:15 p.m.

Consideration of Resolution No. 15-008R in support of S.B. 2029 pertaining to improvements to the Street Maintenance Tax Legislation. M&C #2015-04-13-12 (City Manager Manuel Longoria, Jr.)

City Manager Manuel Longoria, Jr. presented the item in support of Senator Jose Menendez who has filed S.B. 2029 that pertains to extending the local authorization for the Street Maintenance Tax to a twenty-year (20) period. The purpose of this item is to consider a resolution that supports S.B. 2029 specifying the City of Leon Valley's support of this legislation.

A motion was made by Councilman Benny Martinez, seconded by Councilman Abraham Diaz, to approve Resolution No. 15-008R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration of Resolution No. 15-009R authorizing the City Manager to negotiate and sign a lease agreement with JPV Partners, LTD for temporary office space related to the Municipal Facilities Capital Project. M&C #2015-04-13-13 (ACM R. Wallace/J. Krause)

ACM/Police Chief Randall Wallace presented the item saying that our Contractor, Bartlett Cocke, has advised that the only way to complete the third phase is for the building to be vacant so it can be addressed in its entirety. With the complete change out of electrical, mechanical (air conditioners), and plumbing systems this phase cannot be piecemeal. After looking at 13 different locations, the Project Manager has identified a location that will both serve the needs of the residents and visitors of Leon Valley, as well as the employees. The location is the Leon Valley Executive Center, located at 6502 Bandera Road. The City would rent 3,334 square feet of office space. The lease for seven months would result in a cost of \$26,138. This includes maintenance, insurance, and janitorial service. This location has 18 office/work spaces along with a public waiting area. The location has a semi-secure area for the cashiers, which will be separated from the customers by a window system similar to what we now have. There will be 24-hour access to this facility if the need arises. Last year during the budget process, the City Council allocated \$30,000 for the relocation of City Hall during the phase three construction work. The lease would be for approximately 7 months with the option to renew month to month, if needed. Staff will transition into the space in late May.

A motion was made by Councilman Paul Biever, seconded by Councilman Ricardo Ruiz, to approve Resolution No. 15-009R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration of the adoption of a Purchasing Policy for the City of Leon Valley. M&C #2015-04-13-14 (V. Wallace/M. Longoria)

Finance Director Vickie Wallace presented the item by reminding everyone that at the last City Council meeting, the Purchasing Policy that was presented to the Policy Sub-Committee was presented to the Council. Council requested a change be made to Section 1.0 Governing Policy, third paragraph which instructed staff to provide a monthly report on purchases in excess of \$10,000 rather than quarterly. That change was made to the policy.

Councilman Martinez and Councilman Sanchez asked that bids for anything over \$50,000 come back to Council in order to give input and get citizen input before staff goes out to bid. Mayor Riley agreed with staff that there is no way they can do everything over \$50,000 but on items like Evers Road they would like to give input. Councilman Sanchez suggested that it be for every item of \$50,000 or more if it relates to infrastructure might work. There was a consensus that the policy be approved tonight with the possibility of amending it in the future. Finance Director Wallace also suggested this be an item of discussion at a future City Council retreat.

A motion was made by Councilman Abraham Diaz, seconded by Councilman Paul Biever, to adopt the Purchasing Policy for the City of Leon Valley as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Upcoming Important Events:

- a) Informational Meetings on the Home Rule Charter, April 25th—Leon Valley Conference Center
- b) Home Rule Charter Information Session, April 25th
- c) Candidate Forum April 27, 2015, 7:00 p.m. – Leon Valley Conference Center
- d) Canvassing of the Leon Valley 2015 General and Special Election, May 19th.

e) Boards/Commission/Committee Appointments, June 16th

Mayor Riley read aloud the upcoming future events as stated on the agenda with the addition of the Forest Oaks Pool Chili Cook Off scheduled from 2:00 p.m. to 5:00 p.m. on April 19th.

Citizens to be Heard

- Mayor Riley read aloud a letter that was submitted from Tony and Janice Westrich.

Announcements by the Mayor and City Council Members.

Councilman Ricardo Ruiz thanked everyone that attended the soccer groundbreaking ceremony and said it was a huge success.

Councilman Abraham Diaz thanked ACM/Police Chief Randall Wallace for allowing him to go along to the range. He specifically thanked Sgt. Wally and Det. Cuevas and said that the LVPD is fantastic.

City Attorney Rodriguez announced the Hog Wild event that will be held in San Marcos on May 29, 2015. This is free annual training event for all Council and staff of the cities that are represented by Denton, Navarro, Rocha, Bernal, Hyde & Zech.

Councilman Paul Bieber thanked God for all the rain.

Mayor Riley thanked Fire Chief Luis Valdez and Assistant Fire Chief Billy Lawson for the wonderful Emergency Management training they recently provided to staff and Council. They are also developing programs to present to the public. Mayor also spoke about the excitement she saw in the soccer students at the soccer groundbreaking.

Adjournment

Mayor Riley announced the meeting adjourned at 10:55 p.m.

These minutes approved by the Leon Valley City Council on the 5th of May, 2015.

APPROVED

Chris Riley

CHRIS RILEY
MAYOR

ATTEST: *Saundra Passailaigue*
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

